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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Previous Appeal No.: **2003-0831**	)	
	)	
In re Application of: **Usner, et al.**	)	
	)	
Application No.: **09/193,647**	)	Art Unit 3621
	)	
Confirmation No.: **2284**	)	
	)	Patent Examiner
Filed: **November 17, 1998**	)	Pierre Eddy Elisca
	)	
Title: **Apparatus and Method for**	)	
Indicating the Status of	)	
Transaction Function Devices	)	
in an Automated Banking Machine)		

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND SUPPLEMENTAL BRIEF OF APPELLANTS
PURSUANT TO 37 C.F.R. § 41.37

Sir:

The Appellants hereby request reinstatement of their appeal. The Appellants hereby

submit their Second Supplemental Appeal Brief pursuant to 37 C.F.R. § 41.37 concerning the

above-referenced Application. This Second Supplemental Appeal Brief is in response to the

Office Action dated April 6, 2005, which (as best understood) reopened prosecution.

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(i)   **REAL PARTY IN INTEREST**

The Assignee of all right, title and interest to the above-referenced Application is

Diebold, Incorporated, an Ohio corporation.

(ii)   **RELATED APPEALS AND INTERFERENCES**

Prosecution was reopened several times following assignment of Appeal No. 2003-0831.

Other applications (e.g., 09/193,564; 09/193,646; 09/193,662; 09/193,787; 09/193,791)

which have been assigned appeal numbers likewise claim priority to parent application

09/077,337, which in turn claims priority to Provisional application 60/031,956 filed 11/27/1996.

It is believed that these other appeals do not pertain to the claimed subject matter. However, it is

respectfully requested that the Board of Appeals and Interferences ("Board") make its own

determination regarding the pertinence of these other applications. The Board is also requested

to check (update) the status of other applications claiming priority to the parent application with

regard to appeal.

Appellants, Appellants' legal representative, and assignee believe that there are no

additional related appeals or interferences pertaining to this matter.

(iii) **STATUS OF CLAIMS**

Claims 1-19 are pending in the Application.

Claims rejected:	1-19
Claims allowed:	none
Claims confirmed:	none
Claims withdrawn:	none
Claim objected to:	none
Claims canceled:	none

Appellants appeal the rejections of claims 1-19, inclusive. The rejections were present in the Office Action ("Action") dated April 6, 2005.

(iv)   **STATUS OF AMENDMENTS**

No final rejection is pending. However, claims have been rejected at least four times. Therefore, no amendments to the claims were requested to be admitted after a final rejection.

The following dates and papers are associated with this application:

1.   03/14/01   First Non-final Rejection

2.   05/21/01   Applicants' Response

3.   08/14/01   Final Rejection

4.   11/13/01   Amendment After Final Rejection. Amendment placed a dependent claim into independent form.

5.   12/13/01   Advisory Action. Amendment was not entered. Examiner indicated that placing a dependent claim into independent form would require further search.

6.   11/14/01   First Notice of Appeal

7.   01/22/02   First Appeal Brief

8.   04/10/02   Examiner's Answer

9.   05/13/02   Reply Brief

10. 08/15/02   Order Returning Undocketed Appeal to Examiner

11. 03/18/03   Assignment of Appeal Number 2003-0831

12. 06/29/04   Remand to Examiner by Board

13. 11/18/04   Prosecution Reopened (Second Non-final Rejection)

14. 11/22/04   First Request that the Examiner properly respond to the Remand

15.	02/18/05	Second Notice of Appeal, with request for reinstatement of the appeal; Second Request that the Examiner properly respond to the Remand
16.	03/30/05	Second Appeal Brief
17.	04/06/05	Prosecution Reopened (Third Non-final Rejection)
18.	Currently	Third Notice of Appeal, with request for reinstatement of the appeal; Third Appeal Brief.

Original independent claim 1 (and many other original claims) has been pending unamended since November 17, 1998. After approximately six and one-half years of examination, the Office again begins prosecution anew. Appellants respectfully request that this application, because it has been pending more than five years, be treated as "special" and be advanced out of turn during any additional action by the Office (MPEP § 708.01 (I) and 707.02).

Appellants respectfully submit that any repeated imposition of new grounds of rejection in an effort to deny an Appellant judicial review of a refusal to grant Appellant's application constitutes an abuse of agency authority. Such actions violate the Administrative Procedures Act, 5 U.S.C. § 701 *et seq*. Such agency action also violates the fundamental legal principle that an administrative agency may not avoid review of its actions by engaging in repetitive activity which does not remain in place long enough to enable judicial review. *Southern Pacific Terminal Co. v. Interstate Commerce Com.*, 219 U.S. 498, 55 L.Ed. 310, 31 S. Cr. 279 (1911).

Appellants are not required to prove patentability. Conversely, it is the Office which must establish a proper case against patentability under the law. Otherwise, the Office is legally

required to issue a patent. In view of this Third Appeal Brief and the lengthy pendency of the application, the Examiner has already had ample time to establish a case against patentability. Thus, Appellants respectfully request that the Board not grant the Examiner another try to meet his burden via a remand. If a case of unpatentability was not already established by the Office at the time of appeal, then the rejections should be reversed. Following reversal, when jurisdiction is returned to the examining group, the Examiner still has opportunity to take further action. Even so, Appellants acknowledge that it is the sole discretion of the Board to determine the best course of action.

Appellants strongly desire to proceed with their appeal to prevent even further unnecessary and improper prosecution delay. Furthermore, as shown in more detail herein, Appellants' claims are allowable over the (latest) new grounds of rejection. Thus, Appellants (again) respectfully request reinstatement of their appeal.

(v)   **SUMMARY OF CLAIMED SUBJECT MATTER**

Concise explanations of exemplary forms of the claimed invention:

<u>With respect to independent claim 1</u>

An exemplary form of the invention is directed to an apparatus. The apparatus comprises an automated transaction machine (e.g., 12) including at least one transaction function device (e.g., 36; Figure 2). A server (e.g., 109) is in operative connection with the transaction function device. At least one HTML document includes indicia corresponding to the status of the transaction function device. The HTML document is accessible through the server. Particularly note page 55, line 20 to page 58, line 9, and Figure 2.

<u>With respect to independent claim 7</u>

Another exemplary form of the invention is directed to a method. Support in the disclosure for similar claim language has previously been provided. The method includes operating a transaction function device (e.g., 36; Figure 2) in an automated transaction machine (e.g., 12). The transaction function device (e.g., 36; Figure 2) has an associated status. The method further includes generating at least one HTML document including instructions corresponding to the status of the transaction function device (e.g., page 56, lines 1-9). Particularly note page 55, line 20 to page 58, line 9, and Figure 2.

With respect to independent claim 12

Another exemplary form of the invention is directed to an apparatus. Support in the disclosure for similar claim language has previously been provided. The apparatus includes an automated transaction machine (e.g., 12) including a plurality of transaction function devices (e.g., 36; Figure 2). Each of the transaction function devices has an associated status indicative of an operative condition of the transaction function device. The apparatus further includes a transaction machine computer (e.g., 34) in operative connection with the transaction function devices (e.g., page 13, lines 11-12). The apparatus further comprises machine software (e.g., 64, 109) executable in the computer (e.g., page 14, lines 11-13). The software includes a server (e.g., 109) (e.g., page 55, line 5). The software (e.g., 109) is operative to cause the computer (e.g., 34) to generate at least one HTTP record including indicia representative of the status of at least one transaction function device (e.g., page 56, lines 1-9). The HTTP record is accessible through the server.

With respect to independent claim 16

Another exemplary form of the invention is directed to an apparatus. Support in the disclosure for similar claim language has previously been provided. The apparatus comprises an automated transaction machine (e.g., 12). The automated transaction machine comprises a plurality of transaction function devices (e.g., 36; Figure 2) including at least one note dispensing device (e.g., 42; Figure 2). The automated transaction machine further includes at least one computer (e.g., 34). The at least one computer is in operative connection with the plurality of transaction function devices (e.g., 36; Figure 2). The at least one computer is operative to cause

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the at least one note dispensing device (e.g., 42) to dispense at least one note from the machine (e.g., 12). The at least one computer (e.g., 34) is operative responsive to the occurrence of a malfunction of one of the transaction function devices to include indicia in at least one HTTP record representative of the malfunction (e.g., page 56, lines 1-9). The automated transaction machine (e.g., 12) further includes a communications connection in operative connection with the at least one computer (e.g., 34) in the machine. At least one HTTP record is accessible by a computer (e.g., 110) external of the machine through the communications connection (e.g., page 56, lines 15-17; page 57, lines 1-3).

<u>With respect to independent claim 18</u>

Another exemplary form of the invention is directed to a method. Support in the disclosure for similar claim language has previously been provided. The method includes operating a plurality of transaction function devices (e.g., 36) in an automated transaction machine (e.g., 12) that is operative to dispense (e.g., 42) at least one note. In response to a malfunction of at least one of the transaction function devices, indicia is included in at least one HTTP record representative of the malfunction (e.g., page 56, lines 1-9). The method further includes accessing the HTTP record with an external computer (e.g., 110) through a communications connection to the machine (e.g., page 56, lines 15-19; page 57, lines 1-3).

<u>With respect to independent claim 19</u>

Another exemplary form of the invention is directed to an apparatus. Support in the disclosure for similar claim language has previously been provided. The apparatus comprises an automated transaction machine (e.g., 12) including a plurality of transaction function devices (e.g., 36; Figure 2). The automated transaction machine (e.g., 12) includes a server (e.g., 109) in operative connection with the plurality of transaction function devices (e.g., 36). The automated transaction machine (e.g., 12) further includes at least one HTTP record including indicia representative of an operational status of at least one of the plurality of transaction function devices (e.g., 36) (e.g., page 56, lines 1-9). The automated transaction machine (e.g., 12) also includes a communications connection in operative connection with the server (e.g., 109) that is adapted to communicate the at least one HTTP record to a computer (e.g., 110) outside the machine.

(vi)   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The sole question presented in this appeal is:

Whether claims 1-19 are unpatentable pursuant to the judicially created doctrine

of obviousness-type double patenting over claims 1-25 of U.S. Patent 6,598,023.

Additional Comment

As best understood, the Action dated April 6, 2005 withdrew all previous rejections. The

record does not indicate otherwise. The prior rejections that were withdrawn include the 35

U.S.C. § 102(e) rejections based on Wagner (US 5,742,845); and the 35 U.S.C. § 103(a)

rejections based on Vak (US 5,473,143) in view of Wagner.

As previously discussed, it is believed that the obviousness-type double patenting

rejection of claims 1-19 is the only rejection pending. However, because of the Office's failure

to expressly indicate the prior rejections have been overcome (and numerous reopenings of

prosecution regarding this application), Appellants cautiously incorporate herein by reference in

its entirety the Appeal Brief dated March 30, 2005.

(vii)   **ARGUMENT**

The Nonstatutory Obviousness-Type Double Patenting Rejections

<u>The Applicable Legal Standards With Regard To Obviousness-Type Double Patenting</u>

Obviousness-type double patenting is applicable when the claimed subject matter is not patentably distinct from the subject matter claimed in a commonly owned patent when the issuance of a second patent would provide unjustified extension of the term of the right to exclude granted by a patent. *Eli Lilly & Co. v. Barr Labs., Inc.*, 251 F.3d 955, 58 USPQ2d 1865 (Fed Cir. 2001).

The analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 U.S.C. § 103(a) rejection, except that the patent principally underlying the double patenting rejection is not considered prior art. *In re Braithwaite*, 379 F.2d 594, 154 USPQ 29 (CCPA 1967). Thus, the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966) are to be employed when making an obviousness-type double patenting analysis.

In order for (one-way) obviousness-type double patenting to exist, the invention defined in a claim in the application must be an obvious variation of the invention defined in a claim in the patent. *In re Berg*, 46 USPQ2d 1226 (Fed. Cir. 1998). When considering whether the invention defined in an application claim is an obvious variation of the invention defined in a patent claim, the disclosure of the patent may *not* be used as prior art.

It is respectfully submitted that the Action from which this appeal is taken does not meet these burdens.

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The Applicable Legal Standards With Regard To 35 U.S.C. § 103

Before a claim may be rejected on the basis of obviousness pursuant to 35 U.S.C. § 103, the Patent Office bears the burden of establishing that all the recited features of the claim are known in the prior art. This is known as *prima facie* obviousness. To establish *prima facie* obviousness, it must be shown that all the elements and relationships recited in the claim are known in the prior art. If the Office does not produce a *prima facie* case, then the Appellants are under no obligation to submit evidence of nonobviousness. MPEP § 2142.

The teaching, suggestion, or motivation to combine the features in prior art references must be clearly and particularly identified in such prior art to support a rejection on the basis of obviousness. It is not sufficient to offer a broad range of sources and make conclusory statements. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Even if all of the features recited in the claim are known in the prior art, it is still not proper to reject a claim on the basis of obviousness unless there is a specific teaching, suggestion, or motivation in the prior art to produce the claimed combination. *Panduit Corp. v. Denison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593 (Fed. Cir. 1987). *In re Newell*, 891 F.2d 899, 901, 902, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

Evidence of record must teach or suggest the recited features. An assertion of knowledge and common sense not based on any evidence in the record lacks substantial evidence support. *In re Zurko*, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001). Patentability determination must be based on evidence of record. *In re Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002).

It is respectfully submitted that the Action from which this appeal is taken does not meet these burdens.

The Obviousness-Type Double Patenting Rejection Is Improper

Claims 1-19 were rejected based on the judicially created doctrine of obviousness-type double patenting over claims 1-25 of U.S. Patent 6,598,023 ("Patent"). The rejection is based on the Patent *alone*. The Examiner states that "the limitation of Applicant's claims 1-19 are already included in Pat. No. 6,598,023, as such they are an obvious variation of the invention, defined in the claims 1-25 of Pat. No. 6,598,023 see, *In re Karlson*, 136 USPQ (CCPA 1963)."

First, *In re Karlson*, 136 USPQ 184 (CCPA 1963) is not pertinent because it is not related to double patenting.

Secondly, the Examiner alleges that the recited features in the appealed claims are in the disclosure of the Patent (instead of in the claims of the Patent). This allegation is irrelevant because the disclosure of the Patent may *not* be used as prior art. Only the subject matter in the *claims* of the Patent may be considered for purposes of the analysis. Just because a patent and an application share a common specification is not a basis for an obviousness-type double patenting rejection (which is the current situation).

Thirdly, the Examiner has not shown, nor is the entire subject matter of any appealed claim fully disclosed in and covered by, at least one *claim* of U.S. Patent 6,598,023. The Examiner misinterprets both the appealed claims and the claims in the relied upon Patent. Where does the Action present anything showing a claim in the relied upon Patent reading on an appealed claim? Each of the appealed claims relates to the "status" (or a malfunction) of a transaction function device. No *claim* of U.S. Patent 6,598,023 even mentions "status" (or malfunction). Thus, the Patent claims cannot teach or suggest the recited invention of the claims of the present application.

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Furthermore, the rejection is based solely on the Patent. No other reference has been applied. It follows that the rejection is improper because the recited "status" (or malfunction) feature of the appealed claims has not been taught or suggested by any cited prior art. The Action's assertion of obviousness-type double patenting is not based on any evidence in the record and lacks substantial evidence support for the rejection. *In re Zurko*, supra. Nor is the determination regarding patentability in the Action based on evidence of record. *In re Lee*, supra. The rejection is improper for these reasons.

The Office has not established a *prima facie* case of obviousness-type double patenting. The obviousness-type double patenting rejection of claims 1-19 is not valid. Thus, Appellants respectfully submit the rejections are improper and should be withdrawn.

As previously discussed, the Action is silent as to where the claims of the applied Patent specifically teach or suggest all of the recited features and relationships. The Appellants argue herein each of the rejected claims separately. Appellants respond to the claim rejections (as best understood) in spite of the Action's failure to provide a claim by claim analysis of how the claims of the applied Patent teach or suggest the claimed invention. The Appellants reserve all rights to amend their arguments, including the filing of another Supplemental Appeal Brief.

Claim 1

The Patent claims do not teach or suggest at least one document including indicia corresponding to the *status* of a transaction function device. As previously discussed, the claims of U.S. Patent 6,598,023 do not relate to the *status* of a transaction function device. It follows that the Patent claims cannot teach or suggest the recited apparatus of claim 1.

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Claim 2

The Patent claims further do not teach or suggest a transaction function device that is operative responsive to an HTTP message received by a server in the manner recited in claim 2.

Claim 3

The Patent claims further do not teach or suggest a status that is representative of a fault which has occurred in a transaction function device in the manner recited in claim 3.

Claim 4

The Patent claims further do not teach or suggest a document that includes indicia corresponding to a status of each of a plurality of transaction function devices in the manner recited in claim 4.

Claim 5

The Patent claims further do not teach or suggest a status that the recited machine of claim 1 is an ATM. It follows that the Patent cannot render a *prima facie* case of obviousness.

Claim 6

The Patent claims further do not teach or suggest a portable terminal that includes a browser, wherein the terminal is operative to access documents through a server in the manner recited in claim 6.

Claim 7

The Patent claims do not teach or suggest a method comprising generating at least one document including instructions corresponding to the *status* of a transaction function device. As previously discussed, the claims of U.S. Patent 6,598,023 do not relate to the *status* of a

transaction function device. It follows that the Patent claims cannot teach or suggest the recited method of claim 7.

Claim 8

The Patent claims further do not teach or suggest accessing a document with a terminal including a browser in the manner recited in claim 8.

Claim 9

Claim 9 depends from claim 8/7. The Patent claims further do not teach or suggest accessing the document with a portable terminal adjacent to the automated transaction machine in the manner recited in claim 9.

Claim 10

Claim 10 depends from claim 8/7. The Patent claims further do not teach or suggest accessing the document through a network with a terminal located remotely from the automated transaction machine in the manner recited in claim 10.

Claim 11

The Patent claims further do not teach or suggest operating a transaction function device responsive to instructions received in a second document in the manner recited in claim 11.

Claim 12

The Patent claims further do not teach or suggest a plurality of transaction function devices, each having an associated status indicative of an operative condition, and software operative to cause a computer to generate at least one HTTP record including indicia representative of the status of at least one transaction function device. As previously discussed,

the claims of U.S. Patent 6,598,023 do not relate to the *status* of a transaction function device. It follows that the Patent claims cannot teach or suggest the recited apparatus of claim 12.

Claim 13

The Patent claims further do not teach or suggest software operative to cause a computer to generate at least one HTML document including indicia representative of the status of at least one transaction function device in the manner recited in claim 13.

Claim 14

The Patent claims further do not teach or suggest software operative to cause a computer to generate at least one HTTP record comprising a data object in the manner recited in claim 14.

Claim 15

Claim 15 depends from claim 14/12. The Patent claims further do not teach or suggest terminal software in a terminal computer, where the terminal software and the machine software are operative to transfer the data object from the transaction machine to the terminal computer in the manner recited in claim 15.

Claim 16

The Patent claims further do not teach or suggest a plurality of transaction function devices, and at least one computer operative responsive to the occurrence of a malfunction of one of the transaction function devices to include indicia in at least one HTTP record representative of the malfunction. As previously discussed, the claims of U.S. Patent 6,598,023 do not relate to the malfunction of a transaction function device. It follows that the Patent claims cannot teach or suggest the recited apparatus of claim 16.

Claim 17

The Patent claims further do not teach or suggest an ATM in the manner recited in claim 17.

Claim 18

The Patent claims do not teach or suggest a method of including indicia in at least one HTTP record representative of a malfunction, responsive to a malfunction of at least one of a plurality of transaction function devices. As previously discussed, the claims of U.S. Patent 6,598,023 do not relate to the malfunction of a transaction function device. It follows that the Patent claims cannot teach or suggest the recited method of claim 18.
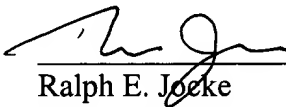
Claim 19

The Patent claims do not teach or suggest at least one HTTP record including indicia representative of an operational *status* of at least one of a plurality of transaction function devices. As previously discussed, the claims of U.S. Patent 6,598,023 do not relate to the *status* of a transaction function device. It follows that the Patent claims cannot teach or suggest the recited apparatus of claim 19.

CONCLUSION

Each of Appellants' pending claims specifically recites features and relationships that are neither disclosed nor suggested in the claims of U.S. Patent 6,598,023. Furthermore, the claims of U.S. Patent 6,598,023 are devoid of any teaching, suggestion, or motivation for combining features thereof so as to produce the recited invention. For these reasons it is respectfully submitted that the obviousness-type double patenting rejection is improper and all the pending claims are allowable.

Respectfully submitted,

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1.   Apparatus comprising:

        an automated transaction machine including at least one transaction function

        device, a server in operative connection with the transaction function device, at

        least one HTML document accessible through the server, wherein at least one first

        document includes indicia corresponding to a status of the transaction function

        device.

2.   The apparatus according to claim 1 wherein the transaction function device is operative

responsive to an HTTP message received by the server.

3.   The apparatus according to claim 1 wherein the status is representative of a fault which

has occurred in the transaction function device.

4.   The apparatus according to claim 1 wherein the machine includes a plurality of

transaction function devices, and wherein the HTML document accessible through the server

include indicia corresponding to a status of each of a plurality of transaction function devices.

5.   The apparatus according to claim 1 wherein the machine is an ATM.

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6.   The apparatus according to claim 1 and further comprising a portable terminal, wherein the portable terminal includes a browser, wherein the terminal is operative to access documents through the server.

7.   A method comprising:

        operating a transaction function device in an automated transaction machine, the transaction function device having an associated status; and

        generating at least one first HTML document including first instructions corresponding to the status of the transaction function device.

8.   The method according to claim 7 and further comprising the step of accessing the first document with a terminal including a browser.

9.   The method according to claim 8 wherein the accessing step includes accessing the first document with a portable terminal adjacent to the automated transaction machine.

10.   The method according to claim 8 wherein the accessing step includes accessing the first document through a network with a terminal located remotely from the automated transaction machine.

11.   The method according to claim 7 and further comprising the steps of:

receiving a second HTML document with the machine, the second document

including second instructions; and

operating the transaction function device responsive to the second instructions.

12.   Apparatus comprising:

an automated transaction machine including a plurality of transaction function

devices, wherein each of the transaction function devices has an associated status,

wherein the status is indicative of an operative condition of the transaction

function device;

a transaction machine computer in operative connection with the transaction

function devices, and further comprising machine software executable in the

computer, wherein the software is operative to cause the computer to generate at

least one HTTP record including indicia representative of the status of at least one

transaction function device, and wherein the software further includes a server,

wherein the first HTTP record is accessible through the server.

13. The apparatus according to claim 12 wherein the HTTP record comprises an HTML document.

14. The apparatus according to claim 12 wherein the HTTP record comprises a data object.

15. The apparatus according to claim 14 and further comprising a terminal computer outside the automated transaction machine, a communications connection operatively connecting the transaction machine computer and the terminal computer, and further comprising terminal software in the terminal computer, wherein the terminal software and the machine software are operative to transfer the data object from the transaction machine to the terminal computer.

16. Apparatus comprising:

An automated transaction machine including:

a plurality of transaction function devices, wherein at least one note dispensing device is included among the plurality of transaction function devices,

at least one computer operative in the machine, wherein the at least one

computer is in operative connection with the plurality of transaction

function devices, and wherein the at least one computer is operative to

cause the at least one note dispensing device to dispense at least one note

from the machine,

wherein the at least one computer is operative responsive to the occurrence

of a malfunction of one of the transaction function devices to include

indicia in at least one HTTP record representative of the malfunction,

a communications connection in operative connection with the at least one

computer in the machine, wherein the at least one HTTP record is

accessible by a computer external of the machine through the

communications connection.

17.   The apparatus according to claim 16 wherein the automated transaction machine

comprises at ATM.

18.   A method comprising:

operating a plurality of transaction function devices in an automated transaction

machine, wherein the machine is operative to dispense at least one note;

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responsive to a malfunction of at least one of the transaction function devices, including indicia in at least one HTTP record representative of the malfunction;

accessing the HTTP record with an external computer through a communications connection to the machine.

19.   Apparatus comprising:

An automated transaction machine including:

a plurality of transaction function devices,

a server in operative connection with the plurality of transaction function devices,

at least one HTTP record including indicia representative of an operational status of at least one of the plurality of transaction function devices,

a communications connection in operative connection with the server, wherein the communications connection is adapted to communicate the at least one HTTP record to a computer outside the machine.

(ix) **EVIDENCE APPENDIX**

(None)

(x)   **RELATED PROCEEDINGS APPENDIX**

(None)